
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

**DAVID MARK NILSON, and CHERIE
NILSON,**

Plaintiffs,

v.

ADAM WALKER, et al.,

Defendants.

**ORDER AFFIRMING & ADOPTING
REPORT & RECOMMENDATION**

Case No. 1:22-CV-33-DAK-CMR

Judge Dale A. Kimball

Magistrate Judge Cecilia M. Romero

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred the case to United States Magistrate Judge Cecilia M. Romero under 28 U.S.C. § 636(b)(1)(B). On October 26, 2022, Magistrate Judge Romero issued a Report and Recommendation [ECF No. 34], recommending that this case be dismissed without prejudice based on Plaintiffs' failure to timely serve the Complaint. The Report and Recommendation notified Plaintiffs that any objection to the Report and Recommendation must be filed within fourteen days of receiving it.

As of the date of this Order, Plaintiffs have not submitted an objection. The deadline for submitting an objection has passed. Although the Report and Recommendation mailed to Plaintiffs came back as undeliverable, Plaintiffs bear the responsibility of keeping a current address on file with the court.

A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the

Report and Recommendation and the record *de novo* and agrees with Magistrate Judge Romero's recommendations. Plaintiffs did not timely serve Defendants, did not provide a reason for the delay in serving Defendants, and failed to give any basis to support a finding of good cause to extend the time for service. Therefore, the court adopts and affirms Magistrate Judge Romero's Report and Recommendation as to the dismissal of Plaintiffs' case without prejudice. Accordingly, this action is dismissed without prejudice.

DATED this 6th day of December, 2022.

BY THE COURT:


DALE A. KIMBALL
United States District Judge